

RULE 9.3
PROSECUTION OF APPEAL

(a) Scope of Rule. This rule applies only to proceedings which are not subject to appellate review under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The proceedings to which those rules apply are defined by RALJ 1.1.

(b) Failure To Certify Transcript. If the lower court fails, neglects or refuses to make and certify the transcript within the time allowed, the appellant may make application to the superior court not later than 21 days after the filing of the notice of appeal and the superior court shall issue an order to make and certify the transcript.

(c) Dismissal for Want of Prosecution. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal as required, or for any other cause, the judgment of the lower court shall be enforced by the judge thereof. If, at the time of such dismissal, cash deposit or appeal bond as required has been furnished and is in the custody of the superior court, the same shall be returned to the lower court. The lower court shall have power to forfeit the cash bail or appeal bond and issue execution thereon for breach of any condition under which it is furnished.

(d) Dismissal on Clerks Motion. In all appeals from courts of limited jurisdiction wherein there has been no action of record during the 90 days just past, the clerk of the superior court shall mail notice to the appellant and the lawyers at the addresses contained in the notice of appeal that such appeal will be dismissed by the court for want of prosecution unless, within 30 days following such mailing, an application in writing is made to the court and good cause shown why it should be continued as a pending case. If the appeal is dismissed, the clerk of the court will proceed as in section (c).
